

## PART 13 – SUMMARY OF RECOMMENDATIONS

### A. Conclusion

As stated earlier, the Missing Women Commission of Inquiry has concluded that the police investigations into the missing and murdered women were blatant failures. I have reviewed in great detail the evidence that the critical police failings were manifest in recurring patterns of error that went unchecked and uncorrected over several years. Given the history of unlearned lessons of serial killer investigations, I delved further into the underlying causes of these failures and found that the causes were themselves complex and multi-faceted. I have framed my recommendations to address these complexities within the context of four overarching themes: equality, community engagement, collaboration and accountability. It should come as no surprise that I have made a large number of recommendations to address these complexities: 63 in total. The recommendations dovetail one with another, each provides an additional tool, an additional check or counterbalance, an additional collaborative mechanism, all geared toward the central goals of enhancing the safety of vulnerable women and improving the initiation and conduct of investigations of missing persons and suspected multiple homicides.

I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police. There is no mirroring concept of “unforsaken,” but together we can work toward this end by protecting and supporting vulnerable women. Together, we can and we must, build a legacy of safety to honour the missing and murdered women who are remembered and missed. In doing so, we can provide the only right answer to the question posed by Sarah de Vries’ quote at the beginning of my report:

“Will they remember me when I am gone, or would their lives just carry on?”

It is only together that we can ensure that, while the women are gone, they are not forgotten.

### B. Summary of Recommendations

I urge the Provincial Government to commit to these two measures immediately upon receipt of this report:

- 1) To provide funding to existing centres that provide emergency services to women engaged in the sex trade to enable them to remain open 24 hours per day.
- 2) To develop and implement an enhanced public transit system to provide a safer travel option connecting the Northern communities, particularly along Highway 16.

Please note that points 1 and 2 are not formal recommendations.

## Restorative Measures

Please note that recommendations are numbered according to the Part of the Report in which they are introduced. (Example: Part 3 begins with 3, Part 4 begins with 4, and so on.)

I make the following recommendations in order to lay the foundation for effective change through acknowledging the harm and fostering healing and reconciliation:

- 3.1 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the form and content of the apologies and other forms of public acknowledgement required as a first step in the healing and reconciliation process.
- 3.2 That Provincial Government establish a compensation fund for the children of the missing and murdered women.
- 3.3 That Provincial Government establish a healing fund for families of the missing and murdered women. These funds should be accessed through an application process pursuant to established guidelines.
- 3.4 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the structure and format of this facilitated reconciliation process and to consider mechanisms for funding it. These consultations and recommendations could be undertaken together with recommendation 3.1.

## Equality-Promoting Measures

I make the following recommendations in order to renew our commitment to equal protection of the law through practical measures:

- 4.1 That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency and with meaningful community involvement.
- 4.2 That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.
- 4.3 That Provincial Government amend the BC *Crown Policy Manual* to explicitly include equality as a fundamental principle to guide Crown Counsel in performing their functions.
- 4.4 That Provincial Government develop and implement a Crown Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.

- 4.5 That Provincial Government adopt a policy statement in the BC *Crown Policy Manual* requiring that a prosecutor's evaluations of how strong the case is likely to be when presented at trial should be made on the assumption that the trier of fact will act impartially and according to the law.
- 4.6 That Provincial Government direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP and community representatives to recommend the wording of a statutory provision on the legal duty to warn and a protocol on how it should be interpreted and applied.
- 4.7 That police forces work with local communities to develop communication strategies for the issuance of warnings that ensure the message is conveyed to community members who are most at risk of the specific threat.
- 4.8 That Provincial Government fund three law reform research projects on aspects of the treatment of vulnerable and intimidated witnesses:
  - The effects of drug and alcohol use on memory and how to support those experiencing dependency or addiction to provide testimony;
  - Police, counsel and the judiciary's bias and perceptions of credibility of people with drug addictions or who are engaged in the survival sex trade; and
  - Potential changes to the law of evidence to better allow vulnerable witnesses, including those who have been sexually assaulted, those suffering from addictions, and those in the sex industry, to take part in court processes.
- 4.9 That Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses by all actors within the criminal justice system based on the best practices identified by the Commission through its review of protocols and guidelines existing in other jurisdictions.
- 4.10 That police forces integrate into training, performance standards, and performance measurement the ability of police officers to develop and maintain community relationships, particularly with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.
- 4.11 That the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.
- 4.12 That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:

- Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);
  - More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;
  - Training and resources to make prevention of violence against Aboriginal women a genuine priority;
  - Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and
  - Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.
- 4.13 That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES and with Aboriginal communities.
- 4.14 That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.

#### **Measures to Enhance the Safety of Vulnerable Urban Women**

I make the following recommendations in order to enhance the safety of vulnerable women in the DTES and other urban settings, including by listening to and learning from vulnerable women and responding to their needs:

- 5.1 That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.
- 5.2 That all entities with proposed responsibilities under the Living in Community Action Plan commit to these priority actions that together form a strong basis for enhancing the safety of women engaged in the survival sex trade.
- 5.3 That other communities be encouraged to undertake the type of collaborative community engagement strategy employed by Living in Community to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.

- 5.4 That Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.
- 5.5 That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.
- 5.6 That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.
- 5.7 That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.
- 5.8 That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.
- 5.9 That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
  - Reducing the number of tickets issued and charges laid for minor offences;
  - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
  - Increasing the ways in which failures to appear can be quashed early in the judicial process.
- 5.10 That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
- 5.11 That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
- 5.12 That the Minister of Justice establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies and the Crown Counsel Association.
- 5.13 That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop

a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.

### **Measures to Prevent Violence Against Aboriginal and Rural Women**

I respond to the call to stand together and move forward and make the following recommendations in order to prevent violence against Aboriginal and rural women:

- 6.1 That Provincial Government fully support the implementation of The Highway of Tears Symposium action plan, updated to the current situation and in a manner that ensures involvement of all affected communities along Highway 16.
- 6.2 That Provincial Government fund a community consultation process led by Aboriginal organizations to develop and implement a pilot project designed to ensure the safety of vulnerable Aboriginal youth during the rural-urban transition.
- 6.3 That Provincial Government provide additional funding to Aboriginal women's organizations to create programs addressing violence on reserves, so that fewer women and youth are forced to escape to urban areas.
- 6.4 That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.
- 6.5 That Provincial Government fund a collaborative action research project on the entry of young women into the sex trade, especially Aboriginal women who are often homeless during the transition from reserves or foster homes to urban centres, and to develop an action plan to facilitate and support exiting the survival sex trade.

### **Improved Missing Person Policies and Practices**

I make the following recommendations for the improvement of missing person policies and practices including by fostering innovation and standardization:

- 7.1 That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.
- 7.2 That proposed provincial missing persons standards include at least 15 components:

- Definition of “missing person;”
  - Criteria for the acceptance of reports;
  - Jurisdiction;
  - Missing Person Risk Assessment Tool;
  - Provincial Missing Person Reporting Form;
  - Standards related to interaction with family/reportees;
  - Initial steps – background information;
  - Supervisory responsibility/quality control;
  - Forensic evidence standards;
  - Coroners’ Liaison;
  - Monitoring outstanding missing person cases;
  - Automatic annual review of unsolved cases;
  - Closing missing person files;
  - Prevention and intervention; and
  - The role and authority of the BCPMPC.
- 7.3 That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
- 7.4 That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.
- 7.5 That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women’s families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
- 7.6 That Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
- 7.7 That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
- 7.8 That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case information.

- 7.9 That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
- 7.10 That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.
- 7.11 That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reportees; or to create an independent civilian-based agency for this purpose.

### **Enhanced Police Investigations**

I make the following recommendations to enhance police investigations of missing persons and suspected multiple homicides:

- 8.1 That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
- 8.2 That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
- 8.3 That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
  - Provide an explanation as to why MCM was not used for a “major crime” in an annual report to the Director of Police Services;
  - Notify the Director of Police Services of all “major crime” investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and

- Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.
- 8.4 That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
- 8.5 That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

### **Regional Police Force**

I make the following recommendations respecting a regional police force:

- 9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.
- 9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

### **Effective Multi-Jurisdictional Policing**

I make the following recommendations for effective multi-jurisdictional policing relating to the investigation of missing persons and suspected multiple homicides:

- 10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.
- 10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
- 10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.

### **Increase Police Accountability to Communities**

I make the following recommendations to increase police accountability to the communities they serve:

- 11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
- 11.2 That the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- 11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- 11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

### **Measures to Assure the Women's Legacy**

I recommend that the following measures be taken to assure the women's legacy through the implementation of all of this Report:

- 12.1 That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.
- 12.2 That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.